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# HOUSE BILL No. 1904

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-4-13; IC 25-34.1-10-18; IC 34-30-2-101.5.

**Synopsis:** Notification of highway construction. Requires the public agency responsible for road work to notify adjacent property owners of road construction work. Requires property owners who receive a notice of road construction to disclose the notice to tenants, lessees, and buyers. Provides that a contract, lease, or any other agreement concerning the property that is entered into between the property owner and the prospective tenant or lessee is voidable if the property owner did not provide notice of road construction. Exempts real estate agents and brokers from liability for disclosure of the notice or a misrepresentation about the notice unless the agent or broker knew or should have known about the notice or the misrepresentation.

**Effective:** July 1, 2001.

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## Stevenson, Dumezich, Lawson L

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January 17, 2001, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1904

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A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-23-4-13 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 13. (a) This section applies to all highway and street**  
4 **systems of Indiana as referenced in section 1 of this chapter.**

5       **(b) The agency responsible for maintenance, improvement,**  
6 **construction, or reconstruction of a part of the highway and street**  
7 **system of Indiana shall provide to the property owner of record**  
8 **described in subsection (c) a notice informing the property owner**  
9 **of each maintenance, construction, or reconstruction project**  
10 **planned for a particular part of the highway or street system.**

11       **(c) The notice described in subsection (b) must be sent to each**  
12 **owner of a property that is directly adjacent to that part of the**  
13 **highway or street system for which a maintenance, an**  
14 **improvement, a construction, or a reconstruction project is**  
15 **planned.**

16       **(d) The notice described in subsection (b) must contain:**

17       **(1) the starting and approximate completion date of the**



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project;

(2) the exact location of the project; and

(3) the name, address, and phone number of a contact person within the department who will answer questions concerning the project.

(e) A property owner who receives the notice required under subsection (b) shall inform:

(1) a purchaser of the property;

(2) each tenant on the property;

(3) each lessee of the property;

(4) a prospective purchaser of the property;

(5) a prospective tenant for the property; or

(6) a prospective lessee for the property;

of the notice received under subsection (a) and shall provide each of those persons with a copy of the notice received.

(f) If a property owner does not provide the notice required under subsection (b) to a prospective tenant or lessee, a contract, lease, or any other agreement concerning the property that is entered into between the property owner and the prospective tenant or lessee is voidable.

SECTION 2. IC 25-34.1-10-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. A licensee is not liable for a failure to disclose a notice under IC 8-23-4-13 received by a client or for a misrepresentation concerning a notice under IC 8-23-4-13 made by a client, unless the licensee knew or should have known that the client:**

(1) received a notice under IC 8-23-4-13; or

(2) misrepresented information contained in a notice under IC 8-23-4-13.

SECTION 3. IC 34-30-2-101.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 101.5. IC 25-34.1-10 (Concerning real estate agency relationships).**

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